



Minutes of the Regular Meeting of the Town Board

Thursday, May 21, 2020

7:00 PM

Town Hall

1. **REGULAR TOWN BOARD MEETING – May 21, 2020 - 7:00 PM**
2. **Call to Order**

Attendee Name	Title	Status	Arrived
Danielle Futia	Councilwoman	Remote	
Jill Penn	Councilwoman	Remote	
Rick J Field	Councilman	Remote	
Paula Mahan	Town Supervisor	Present	
Melissa Von Dollen	Councilwoman	Remote	
Linda J. Murphy	Councilwoman	Remote	
David R. Green	Councilman	Present	
Julie Gansle	Town Clerk	Present	
Michael C Magguilli	Town Attorney	Present	

3. **Pledge of Allegiance**
4. **Public Comment**

Several comments received in support of the Town recognizing June as Pride Month (Resolution 203);

Comment received in connection with Library services and reopening;

Comments and questions received in connection with meeting format and several agenda items (Resolutions 205; 207 and 209)

5. **Resolutions**

Resolution No. 203 recognizing June as Pride Month.

RESULT:	ADOPTED [6 TO 1]
MOVER:	David R. Green, Councilman
SECONDER:	Melissa Von Dollen, Councilwoman
AYES:	Futia, Penn, Mahan, Von Dollen, Murphy, Green
NAYS:	Rick J Field

Resolution No. 204 authorizing the Supervisor to execute an Amendment to the Administrative Services Agreement with MassMutual.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	David R. Green, Councilman
SECONDER:	Melissa Von Dollen, Councilwoman
AYES:	Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green

Resolution No. 205 declaring a portion of Colonial Green to be surplus property and authorizing the sale of same subject to Section 90 of the New York State Town Law.

RESULT:	ADOPTED [6 TO 0]
MOVER:	David R. Green, Councilman
SECONDER:	Linda J. Murphy, Councilwoman
AYES:	Futia, Penn, Mahan, Von Dollen, Murphy, Green
ABSTAIN:	Rick J Field

Resolution No. 206 authorizing the Supervisor to Execute an Agreement with the United Public Service Employees Union Administrative Unit and CSEA Units B AND C.

RESULT:	ADOPTED [6 TO 1]
MOVER:	David R. Green, Councilman
SECONDER:	Jill Penn, Councilwoman
AYES:	Penn, Field, Mahan, Von Dollen, Murphy, Green
NAYS:	Danielle Futia

Resolution No. 207 Designating Town Designated Engineer(s) and Authorizing Agreements with Same.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	David R. Green, Councilman
SECONDER:	Linda J. Murphy, Councilwoman
AYES:	Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green

Resolution No. 208 authorizing the Supervisor to execute a Contractor Service Agreement with J. Ellrott Construction to increase the expenditure limit for the DPW/Division of Pure Waters.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Jill Penn, Councilwoman
AYES:	Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green

Resolution No. 209 authorizing the Supervisor to execute a Contract Supplement with Barton & Loguidice in connection with the completion of the Comprehensive Plan Update.

RESULT:	ADOPTED [5 TO 2]
MOVER:	David R. Green, Councilman
SECONDER:	Linda J. Murphy, Councilwoman
AYES:	Penn, Mahan, Von Dollen, Murphy, Green
NAYS:	Danielle Futia, Rick J Field

6. Communications

A. Reports

1. Public Comment Stenographic Minutes
2. Town Board Meeting Stenographic Minutes

TOWN BOARD

COUNTY OF ALBANY

TOWN OF COLONIE

PUBLIC COMMENT

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing on
May 21, 2020 at 7:05 p.m. via telephonically.

BOARD MEMBERS:

PAULA MAHAN, SUPERVISOR
LINDA MURPHY, DEPUTY SUPERVISOR
DAVID GREEN
MELISSA JEFFERS-VONDOLLEN
RICK FIELD
JILL PENN
DANIELLE FUTIA

ALSO PRESENT:

Michael C. Magguilli, Esq, Town Attorney
Julie Gansle, Town Clerk

Communication: Public Comment Stenographic Minutes (Reports)

(The pledge of Allegiance was recited.)

MS. GANSLE: So, our first public comment:

Dear Supervisor Mahan & Board Members, I am writing in support of a Resolution to formally recognize June 2020 as LGBTQ plus Pride Month in Colonie, New York. Last year, this Board took unanimous bipartisan action to adopt such a Resolution for the first time in its history. It's time for that tradition to continue.

Due to the everyday shift in our lives caused by the global pandemic, the need for residents to see symbols of support and acceptance has never been greater. Although we can't be together to socially celebrate mainstays like Pride parades, this Board can take action to tell LGBTQ plus residents that they are not alone and are welcomed here.

In addition to passing a formal Resolution, I strongly encourage the Board to make two other simple gestures to the community in support of this initiative.

First: Fly a rainbow Pride flag at Town Hall during the Month of June.

Second: For Board Members with active social media channels, post messages of LGBTQ plus support during the month of June. Consider engaging with local

1 group at Colonie Pride on Facebook, Instagram or
2 Nextdoor for content inspiration and ideas. I look
3 forward to celebrating this June as Pride Month in
4 Colonie, New York once again virtually, of course.
5 Cheers, Joseph Schember.

6 As a Town resident, I am requesting the month
7 of June be recognized as Pride Month to support our
8 LGBTQ residents. Thank you, Courtney Bernard.

9 Good afternoon. As a Colonie Town resident I
10 would like to have Pride Month recognition again this
11 year in June. Are we able to expedite this process and
12 create a one-time vote that will allow us to hold
13 Pride Month recognition annually rather than having to
14 vote on it each year? Thank You, Paul Yakel Jr.

15 Good Morning. I'm writing this email in
16 support of the Town of Colonie's Resolution to
17 recognize June as Pride Month. Pride Month is a
18 symbolic recognition of LGBTQ history and is a chance
19 to celebrate the diversity of our community. By
20 recognizing Pride Month, the Town of Colonie will show
21 its support and foster an inclusive community for
22 LGBTQ individuals and allies. Even though the Pride
23 movement began in the early 70's, there is still so
24 much to fight for and we ask for your support in this
25 fight. As a Town of Colonie resident, I would feel

1 proud to say I live in a Town that creates a safe and
2 welcoming environment for the LGBTQ youth and
3 community.

4 In addition to recognizing June as Pride
5 Month, I would like to go a step further and ask that
6 the Town of Colonie fly the Pride flag at Town Hall
7 throughout the month of June. The rainbow flag has
8 become an outward symbol of support to the LGBTQ
9 community as well as a symbol of social equality and
10 individuality. With the rainbow flag flying over Town
11 Hall, Colonie residents will understand they too are
12 living in an inclusive and welcoming Town. Thank you
13 for your time and I hope to have all of your support.
14 Best, Emily Yakel.

15 Good Morning. We would like the Board to pass
16 the Resolution No. 203 tonight to recognize June as
17 Pride Month. As business owners in the Town of
18 Colonie, it's important to support local causes, and
19 we are so happy to support Colonie Pride, as they have
20 continued to support us. Pride Month and celebrations
21 are a great way for the whole community to come
22 together, see how far we have come, and to look
23 forward for work that still needs to be completed. We
24 want to take pride on our Town and passing this
25 Resolution would be a step in the right direction.

1 Thanks, Alex Jarvis & Andrew Johnston.

2 You have a number of individuals that
3 indicated they vote yes.

4 Yes, Yes, Yes. June should be Pride Month.
5 Jessie Huck.

6 I vote Yes. Nicole Hitchcock.

7 Yes. Linda Palmer.

8 Yes. Shayla Palmer.

9 Yes. Kristen Hitch.

10 Yes. Bria Palmer.

11 Yes. From Lisa Susan.

12 Hello, I am emailing as a member of the LGBT
13 community. I was raised in Loudonville and have
14 decided to stay in Colonie and raise a family. As I
15 begin to think about having children with my partner,
16 I understand the importance of having representation
17 in my community. As a child, I don't remember any type
18 of inclusiveness when it came to LGBT people, which is
19 probably why it took me so long to come out and
20 realize that it was okay. I think having a community
21 that supports and recognizes LGBT people is important
22 and allows children to feel included early on. I look
23 forward to June Pride and Colonie's affiliation with
24 supporting all backgrounds. Best, Traci Cornwell.

25 I am a Village resident. This letter is being

1 submitted in support for my nephew, Mark McCauslin,
2 for organizing awareness for Pride Month. Now is a
3 good time as a country in these challenging times for
4 people to show support and come together to celebrate
5 and honor LGBTQ. I am proud to stand by my nephew who
6 also believes in this. All people deserve to live with
7 liberty and respect. Thank you, Judith L. Torello.

8 To the Town Board: We are writing this letter
9 to support our LGBTQ family, friends and neighbors in
10 our beautiful Town of Colonie. Everyone deserves to be
11 recognized. We would hope our Town feels the same way
12 to celebrate LGBTQ for the month of June. Sincerely
13 June and Bob McCauslin.

14 Hello. I strongly encourage the Town to make
15 every June LGBT Pride Month. This is a time to
16 celebrate diversity. Please consider how much this
17 will mean to this community that is so often
18 marginalized. Thank you. Susan Bucci.

19 Hi, I would like to take the time to reach
20 out and emphasize the importance of Pride Month being
21 recognized in Colonie. It is important for not only
22 our local youth, but for the adults in our community
23 to feel safe and supported. As a local Colonie
24 resident, I was in attendance for last year's meeting
25 and was very pleased with the outcome of the passage

1 of the Resolution.

2 We hope you continue to support, recognize
3 and encourage Pride Month in Colonie. Love is powerful
4 and always wins. Marisa Yakel.

5 Those were all of the public comments in
6 relation to Resolution 203.

7 Show we move on to the rest?

8 SUPERVISOR MAHAN: Yes.

9 MS. GANSLE: Our next public comment comes in
10 relation to library services.

11 As the Town of Colonie considers how to
12 re-open, I would like to comment on what I believe the
13 Town Library should be doing. Circulation should start
14 up again. Patrons should use the web site to put books
15 on reserve. When the books are available and the
16 patron has been notified, they should come to the
17 library, and a runner, library page, can take the
18 patron's library card at curbside, get the book and
19 scan card/book as per normal process, then bring books
20 to our to waiting car. Library workers and patrons in
21 a car need to be wearing PPE. This is completely
22 doable, and should be started ASAP. Returned books
23 should not be an issue as the days drop can sit for 48
24 hours before being checked back in and returned to
25 shelves. Perhaps half the staff would be needed for

1 this phase of operations. And this phase would only be
2 meant to last for a few weeks, as long as Covid 19
3 numbers are in decline. At some point, the library
4 should be opened to patrons that are wearing
5 appropriate PPE and I think they should be required to
6 have their temperature taken by a trained individual
7 before entering.

8 The number of patrons allowed in the library
9 should be restricted and when the maximum number of
10 patrons had been reached, then one person must leave
11 before another patron is let in. Six feet marked on
12 the side walk would be required to keep social
13 distancing. Custodial personnel would be required to
14 up their game and clean all day. Sorry, but that's
15 their job. Computer use should be restricted to every
16 other table, at least 6 feet apart and staggered to
17 keep all tables separated appropriately. Again,
18 cleaning is key and computer keyboard and screen and
19 chair and table would need to be cleaned before and
20 after use. Again, that is what the custodial personnel
21 are hired for. For those of us fortunate enough to
22 have computer connections at home, this might seem a
23 bit much. But for those people in the community who
24 lack home computers, the library computer is their
25 connection to a possible job and the world.

1 Finally, epidemiologists talk a lot about
2 good air circulation to avoid absorption of virus.
3 Fans should be operational in all areas occupied by
4 people and/or HVAC company should program air
5 conditioning/heating to blast every 15 minutes for a
6 minute. Restrooms should be equipped with no-touch
7 paper dispensers, faucets, toilets and doors. Thank
8 you for your consideration. Don Allard.

9 SUPERVISOR MAHAN: In regards to the comments
10 from Mr. Allard regarding the library, thank you very
11 much for your comments. Also, I would like to add that
12 you also copied in our Library Director, Evelyn Neil and
13 we have been working with Evelyn on a plan for the
14 library. A lot of the things you mentioned have been
15 covered. We also have many protocols that we have to
16 follow during this pandemic regarding our staff as well
17 as the plan going forward and we are also following CDC
18 guidelines and the Governor's phases as he's phasing
19 everything in. I assure you that Mrs. Neil will go over
20 your comments as well and if there is anything that she
21 sees that we may have missed that your plan outline can
22 help us with, I'm sure she will take that into
23 consideration. I assure you that we have a well
24 thought-out plan, but we do have to follow the CDC rules
25 and we do have to follow protocols regarding staff. Our

1 most important goal is to keep everything functioning to
2 the best of our ability while providing safety and
3 health and safety for our residents and patrons and
4 visitors. Thank you.

5 MS. MURPHY: It's very difficult to understand
6 what you're saying, Paula.

7 SUPERVISOR MAHAN: I didn't have my phone right
8 next to me. Can you now?

9 MS. MURPHY: Yes.

10 SUPERVISOR MAHAN: I just want to tell you - I
11 answered Mr. Allard's comments about the library. We all
12 know that Evelyn is working very hard and has a plan to
13 go forward working with us, but we do have to follow CDC
14 regarding health, safety, seniority - those types - and
15 everything that comes into play as far as the planning
16 goes. We have been identifying a lot of the things that
17 Mr. Allard had said in our plan.

18 Yes, Rick.

19 MR. FIELD: LBGTQ - for the record, stands for
20 what?

21 MR. MAGGUILLI: Who is speaking?

22 SUPERVISOR MAHAN: This is Rick.

23 MR. FIELD: Rick Field.

24 MR. GREEN: It's lesbian, gay -

25 MS. GANSLE: Transgender and all other

1 related -

2 MR. FIELD: LGBTQ.

3 MR. MAGGUILLI: There is no Q.

4 SUPERVISOR MAHAN: Yes, there is.

5 MR. MAGGUILLI: LGBT; lesbian, gay, bi,
6 transgender.

7 SUPERVISOR MAHAN: Q, I believe, is for queer
8 and there is plus for all others.

9 MR. GREEN: Our Resolution doesn't have the Q.

10 SUPERVISOR MAHAN: Yes, it didn't have the Q on
11 it.

12 MR. MAGGUILLI: When we were approached, this
13 is how the proponents of this Resolution requested that
14 it be drafted as a Resolution - LGBT.

15 SUPERVISOR MAHAN: Okay, thank you, Mike.

16 MR. GREEN: If we need to amend it at a later
17 date -

18 MR. FIELD: You mentioned numerous times LBGTQ.
19 What does that mean?

20 SUPERVISOR MAHAN: I think it's just because
21 that is the way it's referred to. They've added letters
22 onto that. It's been quite a while now but that's the
23 way some people refer to it - through all of the titles.

24 MR. FIELD: Which are what?

25 SUPERVISOR MAHAN: All of the different

1 designations for the letters.

2 MR. FIELD: What are they, again?

3 SUPERVISOR MAHAN: You'll sometimes hear the Q,
4 as well.

5 MR. MAGGUILLI: But sometimes not.

6 SUPERVISOR MAHAN: Sometimes not, you're right.

7 MS. JEFFERS-VONDOLLEN: Rick, this is Melissa.
8 The LGBT - lesbian, gay, bisexual, transgender. When we
9 passed the Resolution last year, there was a petition
10 that was circulated by members of the community and this
11 was the language that was asked to be put in the
12 Resolution. That's the language that was put in this
13 year.

14 MR. MAGGUILLI: That is correct.

15 MS. JEFFERS-VONDOLLEN: Some of the public
16 comments that you just heard from Julie's reading - they
17 also referred to LGBTQ. There is also LGBTQ plus. Our
18 specific Resolution was mimicking the language that was
19 brought to our attention last year.

20 MR. FIELD: So, when they refer to Q, what do
21 they mean?

22 MR. MAGGUILLI: I think the Q refers to queer.

23 MS. GANSLE: Queer or questioning.

24 MR. MAGGUILLI: When I tried to do was follow
25 their request when I drafted this Resolution and used

1 specific language that was requested.

2 MR. FIELD: I realize that. I'm just saying in
3 the readings there was LGBTQ. That's all.

4 MS. GANSLE: Rick, when I read the public
5 comments, I read it verbatim. So, different individuals
6 refer to different initials or identities. It was
7 verbatim the way the comments came in.

8 MS. JEFFERS-VONDOLLEN: It's still referring to
9 the same thing, Rick.

10 SUPERVISOR MAHAN: It's really about equal
11 rights - celebrating equal rights and that's of this
12 Resolution is all about.

13 MR. MAGGUILLI: I think it certainly shows that
14 our hearts are in the right place.

15 MS. PENN: Well, I think it shows that we value
16 all the members of our community.

17 MS. MURPHY: Yes, that's true.

18 MS. JEFFERS-VONDOLLEN: Exactly.

19 MR. MAGGUILLI: This Resolution does provide
20 that each month of June hereafter in the Town of Colonie
21 will be designated as LGBT Pride Month. So, we will not
22 have to adopt this Resolution again in the future.

23 MR. FIELD: Are we going to have the rainbow
24 flying from the Town Hall?

25 SUPERVISOR MAHAN: Say that again.

1 MS. MURPHY: He asked if their flag was going
2 to be flying at Town Hall.

3 MR. FIELD: They asked that a few times - from
4 the Town Hall.

5 SUPERVISOR MAHAN: We haven't had a chance to
6 really look into that. The Board hasn't looked into
7 that. We are concentrating on the agreement - - it will
8 follow-through each year. Obviously, we believe in equal
9 rights and we believe that it's not necessary to do the
10 Resolution every year. So, by doing it this year, we
11 will have reached that goal.

12 MR. FIELD: Two of the letters there reflect
13 the flag. That's why I asked.

14 MR. MAGGUILLI: Rick, do you want to make the
15 motion to that effect - that the Town fly a flag?

16 SUPERVISOR MAHAN: We're not doing the
17 Resolution at this time, though.

18 MR. MAGGUILLI: We can't do it tonight. It
19 would have to be - - the Town rule is three days.

20 SUPERVISOR MAHAN: Does that answer everybody's
21 questions right now - from that portion?

22 MS. JEFFERS-VONDOLLEN: Yes.

23 MS. PENN: Yes.

24 SUPERVISOR MAHAN: Okay, thank you.

25 MS. GANSLE: Our next public comment - This

1 letter is intended to highlight areas of concern by SAVE
2 Colonie regarding several of the Resolutions before the
3 Board tonight. The current format of meetings, which
4 will hopefully be changed soon, is resident-unfriendly
5 and makes it very difficult to interact with Board
6 Members on items of importance to the public.

7 The first item is Resolution No. 205 for
8 2020, declaring a portion of Colonial Green to be
9 surplus property and authorizing the sale of same
10 subject to Section 90 of the New York State Town Law.
11 We have two questions we would like to have addressed.

12 First, does the Town have a surplus property
13 policy? If yes, how can the Town access this policy?
14 Of equal importance, please provide an explanation for
15 the Board regarding how the Town's sale of this
16 property relates to, and will facilitate, a
17 development proposal previously before the Planning
18 Board for Colonial Green.

19 The second item is Resolution 207 for 2020,
20 regarding Town Designated Engineers, TDE. As you are
21 aware, we have previously expressed concerns with the
22 Town's TDE policy. We believe that there needs to be
23 an expressly stated conflict of interest policy in any
24 TDE agreements going forward. The 2008 TDE agreements
25 with Clough Harbor and Associates and Barton &

1 Loguidice initially did not allow these firms to
2 represent clients who had development projects in the
3 Town of Colonie. However, these firms were
4 subsequently allowed to represent clients doing
5 business with or appearing before the Town departments
6 and Boards. The new agreement should expressly bar
7 these firms from representing clients doing business
8 with or appearing before Town departments and Boards.
9 The Town also made an exception to allow CHA and B&L
10 to continue representing clients before the Town
11 Planning and other review Boards. Any new agreement
12 should expressly prohibit this practice.

13 Due to these concerns, we urge the Town Board
14 to delay tonight's vote on this Resolution until the
15 final terms of the agreement are negotiated by the
16 Town Attorney's office and subsequently made available
17 for public comment and vote. At this time there is no
18 information available regarding how much the TDE's
19 will be paid for their services; the terms of the
20 agreement; or the specific scope of services.

21 Last year, former Board Member Carey advised
22 the Town Board that he heard concerns from developers
23 about the costs associated with the Town's utilization
24 of these TDE firms. Was the development community
25 consulted regarding such fees, or was there a

1 representative on the RFP committee?

2 The was a larger list of engineering firms
3 that responded to the RFP. Why were these firms not
4 selected? Who was on the selection committee? Did they
5 prepare a report or meeting minutes related to the
6 selection of CHA and B and L?

7 We also urge the Town Board to require that
8 the TDEs be subject to the Town's ethics laws and
9 allow the Ethics Board to review any ethics issues.
10 Further, we believe that it is not appropriate for
11 these two firms to be contributors to Town Supervisor
12 and Town Board political campaigns while they are
13 serving the Town in this capacity.

14 Why was a five year term selected? Other
15 municipalities in the area of entered into two year
16 TDE agreements. Will the fees be locked for five
17 years?

18 The third item concerns the additional tasks
19 related to the Comprehensive Plan that Barton &
20 Loguidice is requesting, Resolution No. 209 for 2020.
21 It is not clear what services were undertaken in
22 addition to plan preparation that would require an
23 additional sum. Is B and L still performing services
24 related to the Comprehensive Plan update? What is the
25 funding source for this reimbursement?

1 The process of public involvement under the
2 current meeting format is frustrating to say the
3 least. We would appreciate your consideration of our
4 concerns and answers to our questions on the issues
5 outlined above. Thank you in advance.

6 SAVE Colonie, a Partnership for Planning.

7 SUPERVISOR MAHAN: There are several different
8 items here from the Save Colonie group.

9 Mike, the first question regarding Colonial
10 Green - could you please address that?

11 MR. MAGGUILLI: As far as I know, what we are
12 doing is an adjoining owner had come into Town and asked
13 to buy a small strip of land. We have a policy for
14 surplus property; not only real property, but personal
15 Town property - that we follow. In this case, we follow
16 essentially what New York State and the county does.

17 First, whenever we are approached on real
18 property for anyone that wants to purchase Town land,
19 we first must go to each of our 25 departments and see
20 if there is a public need for that property. If any
21 one of the 25 or so departments says yes, we have a
22 public purpose and need for this property, then we
23 tell the person who wants to buy it, sorry, we can't
24 sell it.

25 If, however, it comes back that there is no

1 longer a public purpose or public need for property -
2 that is, all of the departments have come back in the
3 negative, in that case we tell the person who wants to
4 buy the property that the Town must do an appraisal,
5 that we cannot sell the property for less than the
6 appraised value and that they would have to pay all
7 the costs associated with the sale, including the cost
8 of the appraisal. If they agree with those terms, then
9 the Town hires its own appraiser that goes out and
10 appraises the property. We provide a copy of the
11 appraisal to the prospective purchaser and then they
12 agree or don't agree to pay. In this case, the
13 appraised value was \$1,000. The cost of the appraisal
14 was \$1,500. In addition to that, that will be County
15 Clerk fees for reporting and the like. All of those
16 will be paid for by the potential purchaser. So, there
17 is no cost to the Town whatsoever. This is essentially
18 a benefit for a Town resident.

19 Again, I don't believe this has anything to
20 do with the development at the end of Colonial Green.
21 I believe that this property is located down the road
22 from that. This is something that an adjoining
23 homeowner would like to improve his property.

24 MR. GREEN: Mike, let me just correct you real
25 quick. This land is adjacent to the ODA that we

1 approved, but the ODA did not incorporate this.

2 MR. MAGGUILLI: Right. This is not part of the
3 ODA.

4 MR. GREEN: The Save question was: What impact,
5 if any, did it have on the development plans. The answer
6 is: It has no impact on those development plans.

7 MR. MAGGUILLI: Correct.

8 MR. FIELD: Who did the appraisal and was it
9 offered to any other resident on Colonial Green?

10 MR. MAGGUILLI: What was that? I didn't hear.

11 MR. GREEN: Who did the appraisal?

12 MR. MAGGUILLI: Karen Zeh.

13 SUPERVISOR MAHAN: Was it offered to any other
14 residents on Colonial Green?

15 MR. GREEN: Yes. Ken Raymond declined.

16 MR. FIELD: Was it was posted for sale as a
17 Town property.

18 MR. MAGGUILLI: No, we normally just offer it
19 to the adjoining landowner in a case like this. They
20 have first preference.

21 MR. FIELD: I had a resident on Colonial Green
22 call me today and asked me why was in a put out - posted
23 - - because he would've been interested in the property
24 - to purchase it.

25 MR. MAGGUILLI: Is he adjacent to the property?

1 Is he an abutting owner?

2 MR. FIELD: No, no.

3 MR. MAGGUILLI: The abutting owner has
4 preference.

5 MR. FIELD: Where does that come from?

6 MR. MAGGUILLI: That's in the policy and
7 procedures. That's been followed by the Town for years,
8 by the county for years - at least when I started way
9 back in '81, Rick.

10 MR. FIELD: Okay. It was actually spoken to - -
11 there's a piece - before you get there - on the point
12 that someone has basically taken over and he was kind of
13 concerned about that - Mr. Dranichek was concerned about
14 the fact - what's going to happen to that Town piece of
15 property? Is it going to be offered to the adjacent
16 owner and that case as well?

17 MR. MAGGUILLI: Which property is that?

18 SUPERVISOR MAHAN: Is that the property across
19 from the Bender's property, Rick?

20 MR. FIELD: Yes.

21 SUPERVISOR MAHAN: Yes, it's on the curve
22 there.

23 MR. MAGGUILLI: What about that one? What was
24 his question?

25 SUPERVISOR MAHAN: He said that Mr. Dranichek

1 might be interested -

2 MR. MAGGUILLI: No one has expressed an
3 interest in that. I'm not even sure if the Town owns it.
4 We may just have an easement on that.

5 MR. FIELD: He told me he paid \$5,000 for it
6 today.

7 MR. MAGGUILLI: He did?

8 MR. FIELD: He did.

9 MR. MAGGUILLI: Well, if we owned it - if he
10 wants to do that, tell him to send us a letter and we
11 can -

12 MR. FIELD: He's not adjacent to it. There's a
13 person adjacent to it. Would he have first preference to
14 purchase it?

15 MR. MAGGUILLI: You're talking about a
16 different parcel of land - the one on the corner?

17 MR. FIELD: Correct.

18 MR. MAGGUILLI: If you have someone who's
19 interested and the Town in fact owns it, I think that
20 piece that you're referring to - we may only have a
21 utility easement on it. We may not own the land itself.
22 I would have to check.

23 SUPERVISOR MAHAN: Rick, are you talking about
24 - is the property adjacent to Mr. Dranichek or is it -

25 MR. FIELD: No, it is adjacent to Bender's

1 property, but he seems to have taken it over as his own
2 and he has cleared it out and has labeled trees to be
3 taken down and so on.

4 SUPERVISOR MAHAN: Yes, we have been working on
5 that. Jack Cunningham, our Department of Public Works
6 Commissioner, has been looking into that. Actually, Mike
7 and I visited that property as well and talked to Mr.
8 Dranichek. I believe Jack Spath has had a conversation
9 with Mr. Bender, I believe. It's an odd shape. It's like
10 a peninsula. There is a portion that is the Town's
11 right-of-way. There were some trees marked there with
12 some tape around them for removal. So, he's had
13 conversations with Mr. Dranichek and he explained that
14 to us. Our staff has been looking into that and there
15 has been conversations back and forth about what kind of
16 trees were beyond the road going into the property.
17 There's quite a bit of a right-of-way.

18 MR. FIELD: The owner - Bender, there - is
19 basically clearing up the property that's not his. It
20 was Town - either an easement or owned. I was a little
21 concerned because previous to now he couldn't see
22 through. Because of the clearing that this gentleman
23 took upon himself of Town property - - how can he do
24 something like that?

25 SUPERVISOR MAHAN: We have the pictures, as

1 well. The Commissioner of Public Works is still working
2 on that, but I can't tell you how much property is in
3 the right-of-way. We have to get the exact number. If,
4 in fact, Mr. Dranichek is interested in buying the
5 property across from his street that is our
6 right-of-way, that is something that he should discuss
7 with our Attorney's office. Again, we would have to
8 follow the same policy that Mike just described for
9 Colonial Green.

10 Am I correct, Mike?

11 MR. MAGGUILLI: Yes.

12 We typically do not sell rights-of-way though
13 because we have a public need for it. It's either a
14 utility easement or ingress/egress easement.

15 SUPERVISOR MAHAN: I think that Mr. Dranichek's
16 interest - one of the suggestions was - he said he would
17 be willing to replant trees in that area for privacy.
18 Again, a lot of people have been looking into this. If
19 it is something that Mr. Dranichek would like to go in
20 that direction, he should contact us. He may have
21 discussed that with the Commissioner of Public Works.
22 I'm not aware of that.

23 MR. FIELD: I will let him know.

24 SUPERVISOR MAHAN: Okay, thank you.

25 Moving onto the next question regarding Town

1 Designated Engineers.

2 Again, Mike, would you address that?

3 MR. MAGGILLI: There's a misstatement in this
4 May 21, 2020 letter. It says that the TDE agreements
5 with Clough Harbor and Associates and Barton and
6 Loguidice initially did not allow these firms to
7 represent clients that had projects within the Town.
8 However, these firms are subsequently allowed to
9 represent clients. That is not true. Barton and
10 Loguidice does not represent private clients in the Town
11 of Colonie or anywhere, for that matter. They strictly
12 represent municipalities. So, we never gave them
13 permission to represent clients with projects in the
14 Town of Colonie, nor do they have them.

15 As far as the 2008 agreement with Clough
16 Harbor, their agreement did provide that they could
17 not represent private parties before the Town, except
18 for two instances that they brought to our attention
19 in writing and it went before the Town Board for their
20 approval.

21 Clough Harbor, at the time, did not feel that
22 they could professionally fulfill their duties to
23 their client - they couldn't just walk away from them.
24 So, they said in these instances - these two instances
25 only, we would like to continue our representation

1 because we're so far into it essentially. The Town
2 agreed on the condition that Clough Harbor would not,
3 of course, approve and review its own project. We had
4 Barton and Loguidice or another outside engineering
5 firm come in and review those projects for which
6 Clough Harbor was representing the private clients.
7 There has been a lot of misrepresentation about that.

8 With respect to the Town Ethics Code - we are
9 trying to explain that these are engineers. They are
10 professionals like attorneys and the like. Like
11 attorneys, they are subject to their own Code of
12 Ethics which they must strictly follow or they would
13 be held to account by their own professional boards
14 and the New York State Department of Education. Again,
15 they are held accountable by their own Code of Ethics.
16 I don't believe that the Town could, even if it wanted
17 to, impose our Code of Ethics on these private
18 companies. That's something that I've never seen done
19 by any other municipality.

20 SUPERVISOR MAHAN: They are not Town employees.
21 We contract with them. They are not Town employees.

22 MR. MAGGUILLI: Again, it's subject to their
23 own professional standards which they follow closely.
24 And in the new agreement we have asked that they not
25 represents outside -

1 SUPERVISOR MAHAN: That was another one of
2 their questions here. We've already done that in the
3 agreement.

4 Okay, any questions?

5 (There was no response.)

6 The next question I have is: The TDE is being
7 paid for their service. Basically, the Comprehensive
8 Plan update went a little longer than anticipated. To
9 the degree of public participation which we had a lot
10 - - in response to the public demand, we had more
11 meetings, we had more public hearings, we had more
12 work that we had requested the TDE - or Barton and
13 Loguidice who was the group that was doing the
14 Comprehensive Plan - we had requested much more from
15 them. It went on longer than anticipated, so basically
16 they were paid for the extra work that they did.

17 The Board heard concerns from developers
18 about the costs associated with the Town's utilization
19 of the TDE firms. I believe they're asking about the
20 projects that they are working on with the developers
21 and what those costs would be.

22 We did have conversations. Developers did
23 request a meeting to discuss some of those questions.
24 We did our best to answer that for them - keeping in
25 mind that it was the developers that asked - requested

1 us to engage in the TDE process back in 2008.

2 We did visit different municipalities to see
3 how they were handling their TDE's in their policies
4 that they followed. At the request of the developers -
5 they had expressed a lot of concern about the way
6 Planning was handled prior to this administration.
7 There were some things that were very concerning. So,
8 their request was to have TDE's to be added to the
9 process. As well, there was a lot of work that we did
10 to streamline the process because there was a lot of
11 things that should not of been going on, as well. So,
12 in response to the developers, we began the TDE
13 process in the Town. We also have received some
14 suggestions - specifically, Barton and Loguidice did
15 an analysis of the TDE process to look at ways to
16 improve the process and make it more cost-effective
17 for the developers. Again, the Town does not pay the
18 TDE's. The developers pay the TDE's. Hopefully, that
19 answers that question.

20 Was the development community consulted
21 regarding such fees or was there a representative on
22 the RFP committee?

23 MR. MAGGUILLI: I did consult with them.

24 SUPERVISOR MAHAN: Thank you, Mike.

25 No, there was not a developer on the RFP

1 committee. I don't think that would be proper. That
2 answers those questions.

3 Next: it looks like there was more to that
4 question. Sorry. The second page. There was a larger
5 list of engineering firms that responded to the RFP.
6 Why were these firms not selected?

7 These were interviews with companies. I
8 really don't think it's necessary to say why
9 specifically firms weren't selected. I guess the
10 answer to that is: The firms that were selected were
11 the firms that met our criteria and also that we felt
12 could serve in that capacity the best for the Town of
13 Colonie. That's the purpose of an interview.

14 Who was on the selection committee? I was on
15 the selection committee, as Supervisor. Michael
16 Magguilli was on the selection committee. I believe
17 Joe LaCivita was still here at the time and on the
18 selection committee. The Commissioner of Public Works,
19 Jack Cunningham was on the selection committee.

20 MR. MAGGUILLI: Pete Stuto.

21 SUPERVISOR MAHAN: And Pete Stuto, the Chairman
22 of the Planning Board. Start did they prepare reports or
23 meeting minutes related to the selection of CHA and B
24 and L.

25 There is a recommendation memo that was part

1 of the process of the finalization regarding the
2 selection of the TDE of CHA and B and L.

3 Mike answered the question about the TDE's
4 being subject to the Town's Ethics Law.

5 I guess the next question is directed at me.

6 Further, we believe it is not appropriate for
7 these two firms to be contributors to the Town
8 Supervisor and the Town Board's political campaigns
9 while they are serving the Town in its capacity.

10 Frankly, I will not speak for the Town Board,
11 but I will speak for myself. As far as my campaign -
12 if you need to discuss a political campaign during a
13 Board meeting, so be it. The bottom line is I run my
14 campaign according to all the campaign laws. All my
15 funds and expenditures are all recorded on my records.
16 I'm not quite sure why they don't have concerns with
17 others that don't report, but that's beside the point.
18 Anyway, if the laws change, then I will change but my
19 campaign fundraisers are no different than anyone
20 else's. Actually, as I've said before, a lot of people
21 want to attend and they are welcome to attend. So,
22 it's the same answer that I have given before on that.

23 Why was a five-year term selected? Other
24 municipalities in the area entered into a two-year TDE
25 agreement. Will the fees be locked for five years?

1 The agreement says not to exceed five years.
2 So, it can be less than five years but not to exceed
3 five years.

4 The next question is: Additional tasks
5 related to the Comprehensive Plan that Barton and
6 Loguidice is requesting services, additional sums - -
7 I think I have answered that question.*The funding
8 source for the consultant B and L for the
9 Comprehensive Plan - - that was funded from our Town
10 budget.

11 Was that the only source? Can you remember,
12 Mike?

13 MR. MAGGUILLI: I believe the IDA may have
14 provided some funds, but I'm not 100% sure.

15 SUPERVISOR MAHAN: I would have to check, but
16 the IDA may have provided for that as well.

17 The process of public involvement under the
18 current meeting format is frustrating, to say the
19 least. Well, we are sorry for the inconvenience. It is
20 frustrating. We are trying to keep everybody safe and
21 healthy and provide information. If you have trouble
22 hearing this, there is a little bit of an echo - I
23 understand that. We all understand that. We apologize
24 for that. Certainly, our stenographer has been putting
25 the meetings up - typically it's been the next morning

1 since we've had this process. You certainly can go
2 through and read everything very clearly. Hopefully,
3 as things open up a little bit and we are progressing
4 here at Town Hall as well, we will be able to get
5 together in a little bit easier fashion. I think
6 that's all the questions on here. Thank you for your
7 comments. I believe we are ready for the Resolutions.

8 (Whereas the above entitled proceeding was
9 concluded at 7:35 p.m.)
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17 CERTIFICATION

18
19 I, NANCY L. STRANG, Shorthand Reporter and
20 Notary Public in and for the State of New York, hereby
21 CERTIFY that the record taken by me at the time and
22 place noted in the heading hereof is a true and
23 accurate transcript of same, to the best of my ability
24 and belief.
25

Dated: _____

NANCY L. STRANG

LEGAL TRANSCRIPTION

2420 TROY SCHENECTADY RD.

NISKAYUNA, NY 12309

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TOWN BOARD

COUNTY OF ALBANY

TOWN OF COLONIE

TOWN BOARD MEETING

THE STENOGRAPHIC MINUTES of the above entitled matter
by NANCY L. STRANG, a Shorthand Reporter commencing on
May 21, 2020 at 7:36 p.m. via telephonically.

BOARD MEMBERS:

PAULA MAHAN, SUPERVISOR
LINDA MURPHY, DEPUTY SUPERVISOR
DAVID GREEN
MELISSA JEFFERS-VONDOLLEN
RICK FIELD
JILL PENN
DANIELLE FUTIA

ALSO PRESENT:

Michael C. Magguilli, Esq, Town Attorney
Julie Gansle, Town Clerk

Communication: Town Board Meeting Stenographic Minutes (Reports)

1 MS. GANSLE: Resolution 203. A Resolution
2 recognizing June as Pride Month.

3 MR. GREEN: So moved.

4 MS. PENN: Second.

5 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
6 call the roll.

7 (The roll was called.)

8 MS. GANSLE: Councilwoman Penn?

9 MS. PENN: Aye.

10 MS. GANSLE: Futia?

11 MS. FUTIA: Aye.

12 MS. GANSLE: VonDollen?

13 MS. JEFFERS-VONDOLLEN: Aye.

14 MS. GANSLE: Murphy?

15 MS. MURPHY: Aye.

16 MS. GANSLE: Green?

17 MR. GREEN: Aye.

18 MS. GANSLE: Field?

19 MR. FIELD: No.

20 MS. GANSLE: The ayes have it, Madam
21 Supervisor.

22 SUPERVISOR MAHAN: The Resolution is adopted.

23 MS. GANSLE: We have a Resolution authorizing
24 the Supervisor to execute an amendment to the
25 Administrative Services Agreement with Mass Mutual.

1 MR. GREEN: So moved.

2 MS. MURPHY: Second.

3 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
4 call the roll.

5 (The roll was called.)

6 MS. GANSLE: The ayes have it, Madam
7 Supervisor.

8 SUPERVISOR MAHAN: The Resolution is adopted.

9 MS. GANSLE: We have a Resolution declaring a
10 portion of Colonial Green to be surplus property and
11 authorizing the sale of same subject to Section 90 of
12 the New York State Town Law.

13 MR. GREEN: So moved.

14 MS. MURPHY: Second.

15 SUPERVISOR MAHAN: I think Mike answered all
16 the questions regarding this.

17 Supervisor votes aye. Clerk, call the roll.

18 MS. GANSLE: Councilwoman Penn?

19 MS. PENN: Aye.

20 MS. GANSLE: Futia?

21 MS. FUTIA: Aye.

22 MS. GANSLE: VonDollen?

23 MS. JEFFERS-VONDOLLEN: Aye.

24 MS. GANSLE: Murphy?

25 MS. MURPHY: Aye.

1 MS. GANSLE: Green?

2 MR. GREEN: Aye.

3 MS. GANSLE: Field?

4 MR. FIELD: Abstain.

5 MS. GANSLE: The ayes have it, Madam

6 Supervisor.

7 SUPERVISOR MAHAN: The Resolution is adopted.

8 MS. GANSLE: We have a Resolution authorizing
9 the Supervisor to execute an agreement with the United
10 Public Service Employees Union Administrative Unit and
11 CSEA Units B and C.

12 MR. GREEN: So moved.

13 MS. PENN: Second.

14 SUPERVISOR MAHAN: Does anyone on the Board
15 have any questions regarding the memorandum of
16 agreement?

17 MR. FIELD: What's the number of furloughs?

18 SUPERVISOR MAHAN: The number? A couple of days
19 ago we were at 48. The majority of those are part-time.
20 However, I believe it was the Office of Court
21 Administration that called back our judicial staff for
22 May 26. So, that number will decrease. So, we are
23 probably looking at more at 38 to 40.

24 MS. FUTIA: This is Danielle.

25 I don't have any questions about it.

1 First, I would like to thank you for taking
2 the time to meet with me on Tuesday. I personally feel
3 like we should be able to - the Board should be able
4 to get a list of the job titles that are being
5 furloughed rather than just a blanket furlough vote.
6 Is it possible to do that instead of doing it this
7 night and maybe tabling this?

8 SUPERVISOR MAHAN: Well, we do have to move
9 forward. This is on the conditions of the agreement
10 subject to the approval of the Town Attorney's office. I
11 know that our Human Resources Director was finalizing
12 the list. So, yes, we can get that list to you.

13 MS. FUTIA: Can we get that list before we have
14 to vote?

15 SUPERVISOR MAHAN: The terms of it are subject
16 to the Town Attorney's approval. We have to move forward
17 with the furloughs as soon as Rosemary finalizes that
18 list. I can request that she does the best she can with
19 that tomorrow. I think she's about 99.9% set at this
20 point. We can email you that list before Mike approves
21 it.

22 MS. FUTIA: Okay, thank you.

23 SUPERVISOR MAHAN: Does that work?

24 MS. FUTIA: Yes.

25 SUPERVISOR MAHAN: I do know a lot of the

1 categories in the names, but I would not want to do that
2 until everybody is completely understanding the whole
3 process. They will be able to collect unemployment, plus
4 the stimulus, plus we have been paying them all the way
5 through. So, we are trying to kind of match it up with
6 proper time to do that - plus, the point where we have
7 to stop and then unemployment would kick in. There are a
8 lot of steps that have to be done in conjunction with
9 one another.

10 MR. FIELD: This is Rick Field.

11 For five months we have been putting people
12 on - - part of the Resolutions have been putting
13 people to work for the Town for five months now - many
14 of the resolutions of the different departments. Now
15 we're basically furloughing or laying off numerous
16 people up to 38 to 40 people, correct?

17 SUPERVISOR MAHAN: As I said, the majority of
18 those are part-time. Some of the places are not even
19 open for them to work at this time. We have been paying
20 them to this date and they are eligible for unemployment
21 and the stimulus. Rick, the reason why we have to do
22 this is because the culvert 19 pandemic impact on our
23 Town as well as all the other municipalities; local
24 government, state governments and the country have been
25 impacted by this. For us, personally, it's the shortfall

1 that is due to the reduction in sales tax and the fees
2 and things that we are not collecting because they
3 haven't been able to operate. The Justice Department
4 hasn't been able to operate per the directives that we
5 are given. We have to follow those directives and the
6 bottom line is that those funds are in our budget so we
7 have to compensate for that. Everyone is in the same
8 boat. Some municipalities - there shortfall is in double
9 digits. We have worked with the department heads. They
10 have cut each of their departments to the best of their
11 ability to close to or 10 percent or more regarding any
12 area they possibly could. All in all I think our
13 department heads and administration have done a really
14 good job of trying to fill the gap to the best of our
15 ability while protecting our employees. Furloughs are
16 basically - they are temporary and the regulations and
17 everything have changed in some regards because this is
18 considered basically a crisis situation.

19 MR. MAGGILLI: Rosemary has been negotiating
20 with the unions throughout. This isn't any type of
21 unilateral agreements by any means. The three unions are
22 all on Board with this and understand the need for the
23 benefit of their members as well as the benefit of the
24 Town.

25 MR. FIELD: If I don't go to work, I don't get

1 paid. I'm talking to people who are part-time with the
2 Town are getting paid for the last 2 1/2 months and they
3 haven't been to work.

4 SUPERVISOR MAHAN: That's correct.

5 MR. FIELD: I don't understand it, really. The
6 furloughs, in a sense - should have been - they are
7 like three months late.

8 SUPERVISOR MAHAN: I don't understand that.

9 MR. FIELD: I am just saying that there are
10 people who have not been working and getting paid that
11 are part-time with the Town for quite a number of months
12 now. They're at home getting paid. How do you answer
13 that?

14 SUPERVISOR MAHAN: That's correct.

15 MR. FIELD: If I don't go to work, I don't get
16 paid.

17 SUPERVISOR MAHAN: You work in a private
18 industry. The other side of the coin is that this is a
19 situation that no one has all the answers to. I don't
20 think anyone expected for it to go on this long or to
21 expand to the degree that it has. Therefore, we have to
22 adapt as a government to be able to project where we are
23 going to be at a certain point and what we need to do.
24 Of course we would have preferred to bring everybody
25 back and have everything resolved. I know how you feel

1 but I was not about to have people in here that either
2 their duties cannot be done because of the circumstances
3 of everything closed it down around us and have to put
4 them in a situation where it could be detrimental to
5 their health. There are employees - they are in our
6 budget and their health and safety is our top priority.
7 Our intention was for everyone to come back and for
8 everyone to be able to do things and get everything
9 going and operating. We can't win everything around us
10 is not. It's just starting to reopen. As far as the
11 budget goes, can you see where the gaps would be?

12 MR. FIELD: I'm just saying that the taxpayers
13 of the Town of Colonie are taking it on the chin by
14 paying all these people that are home getting paid doing
15 nothing.

16 MR. MAGGUILLI: You have to understand as well
17 that we are bound by the terms of public employees
18 collective-bargaining agreement and New York State civil
19 Service Law that put certain restrictions on just how
20 and when we can lay off employees. I can assure you that
21 the last thing this Town wanted to do was lay off
22 employees, Rick.

23 MR. FIELD: I understand. I'm just thinking
24 about - - I don't know how these particular rules apply
25 to part-time people. Like I say, for five months we were

1 putting Town - people on the payroll and now for today
2 we are acknowledging the fact that we have to lay off 40
3 people.

4 MR. MAGGUILLI: We've always acknowledged the
5 fact. It's taken this long to negotiate the agreements,
6 Rick.

7 SUPERVISOR MAHAN: Rick, you also have to
8 understand, it hasn't been five months. The information
9 that started coming to us was in the middle of March.
10 We've been working on this all the way through.
11 Certainly, come on in and we can go over some things if
12 you like. That's not a problem. As far as the people,
13 they are in our budget and the intent is for them to
14 return. It's temporary. We are at the point to implement
15 that. We couldn't bring them back when they couldn't
16 even do their jobs because of the way everything has
17 been set up for us that is out of our control.

18 MS. FUTIA: This is Danielle.

19 I just think that it would be beneficial if
20 the Board could get together and discuss the budget
21 more thoroughly so that we have more details in front
22 of us before voting on something. Like, I know that it
23 was helpful when I saw you on Tuesday. I think it
24 would even be more helpful if the Board got together
25 and we explored all of our options.

1 SUPERVISOR MAHAN: Well, we can't all get
2 together because of the Open Meetings Law. That's an
3 issue. The fact is I assure you that if you have any
4 questions regarding the budget, I encourage you to set
5 up an appointment with our Comptroller's office and he
6 will go over everything with you. I think if you take a
7 look at the budget, it's all lined item and its pretty
8 easy to understand. If you have any questions, certainly
9 you should make that appointment.

10 Going forward, as each budget is made each
11 year, you will receive the budget at the end of
12 December, so you will have a lot of time to review it
13 and to meet with the Comptroller and take a look at
14 everything.

15 MS. FUTIA: Okay.

16 MS. MURPHY: Paula, I spoke to Chris Kelsey
17 many times since the Town has been shut down. Obviously,
18 none of us - Chris or none of us knew what was happening
19 with this covert virus. He said if we had ever known it
20 was going to be an extended thing, we probably would not
21 have been able to pay people all that time. I don't
22 think anybody had any experience with anything that ever
23 happened like this before. I think the Town was trying
24 to do the best they could for the employees. Now it's
25 become, because of the sales tax and other financial

1 things - now it's become a problem that we have to deal
2 with. Those people are fortunate that they were able to
3 get paychecks from March until May. I don't think it was
4 done to harm the Town or harm the taxpayers. I think
5 they were trying to be as realistic as they could be,
6 not knowing what we were actually dealing with.

7 MR. MAGGUILLI: When this first started, this
8 was only supposed to last until about April 15. This was
9 supposed to go two weeks. They kept getting bumped.

10 I don't know about you, Rick, but this is my
11 first pandemic.

12 MS. MURPHY: Yes, I think it's everybody's
13 first pandemic.

14 SUPERVISOR MAHAN: Our policy is no different
15 than the states, or the counties, or the school
16 districts or anyone else. It's basically a time of
17 whether yes, they are in our budget and they are paid by
18 the taxpayers but the taxpayers also have unemployment
19 and stimulus and everything else. At this time, we have
20 a disaster and you'll have to deal with it and you've
21 got to make decisions - split decisions at that time. No
22 one knew how long this is going to go. It's obvious that
23 it's going to go at least for another month or so.
24 That's why we're doing the furlough.

25 MS. MURPHY: Rick made it sound like we were

1 being foolish because we're paying people. How would
2 anyone would have known at the point -

3 MR. FIELD: We haven't had any agents in the
4 office. We have 15 agents. They can't get paid because
5 they can't get in my office. Usually we have 24 sales a
6 month. Now we have six in April.

7 MS. MURPHY: I think the business that you are
8 in is entirely different than running a municipality. I
9 think we were trying to do the best that we could with
10 the knowledge that we had about what was happening.

11 MR. FIELD: If you run it like a business
12 instead of like, you know...

13 SUPERVISOR MAHAN: Rick, let me just say this
14 because it gets a little bit frustrating. We are a Town.
15 We are here to serve the residents. We are here to serve
16 the taxpayers. That is our job to do that. It's not the
17 same as a business. We're not in the business to make
18 money. Governments are not supposed to make money, but
19 we have to make enough money to provide the services.

20 I give this invitation to you and anybody
21 else there. Please come in and take a look at what we
22 did to get to this point, before we make statements
23 that you really don't know how things really are. So,
24 come in and take a look and if you still think it's
25 not operating correctly, then your entitled to that

1 opinion. I really encourage you to come in and take a
2 look at everything. I hope that what you see - you
3 will be freely to discuss with anybody you want.

4 MR. FIELD: I realize that. I'm just saying
5 that since January, we've been putting people on the
6 payroll and now were taking 40 off. It's just kind of
7 interesting.

8 MR. MAGGUILLI: Nobody knew about this in
9 January, Rick.

10 SUPERVISOR MAHAN: People were working in
11 January, Rick. People were working in February. People
12 were working in the first part of March. I don't know. I
13 don't need to get upset with you and I don't know where
14 you're getting your information from, but if you have
15 answers about how to handle this virus, good because we
16 don't have all the answers to that; nobody does. Just to
17 clarify, you have to understand that people were working
18 in January. People were working in February. People were
19 working in the first part of March. We did not go to the
20 point of doing what we had to do to keep everything safe
21 and to put all of our protocols in place until we were
22 aware of what we had to do which was in the middle of
23 March.

24 MR. MAGGUILLI: That was only supposed to last
25 two weeks.

1 SUPERVISOR MAHAN: Maybe it was a
2 misunderstanding that you thought they weren't working
3 in January and February, but they were.

4 MR. FIELD: Oh, no, I know they were working
5 then. I'm just saying now it's the end of May and like I
6 say, there's been a lot of money paid out to people who
7 have been sitting home and not working.

8 SUPERVISOR MAHAN: I understand because you're
9 in a private practice, but you can't compare private
10 industry to government. I'm not saying that everything
11 the governments do is absolutely correct, but we have to
12 do what we have to do. You are comparing apples to
13 oranges. You have to take a look and compare how
14 governments operate to governments and private industry
15 to private industry.

16 MS. MURPHY: And we are dealing with unions.

17 MR. MAGGUILLI: And the Civil Service Law.

18 SUPERVISOR MAHAN: Certainly, the invitation is
19 there.

20 MR. GREEN: So moved, this Resolution.

21 MS. GANSLE: It's been moved and seconded.

22 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
23 call the roll.

24 MS. GANSLE: Councilwoman Penn?

25 MS. PENN: Aye.

1 MS. GANSLE: Futia?

2 MS. FUTIA: No.

3 MS. GANSLE: VonDollen?

4 MS. JEFFERS-VONDOLLEN: Aye.

5 MS. GANSLE: Murphy?

6 MS. MURPHY: Aye.

7 MS. GANSLE: Green?

8 MR. GREEN: Aye.

9 MS. GANSLE: Field?

10 MR. FIELD: Overdue; aye.

11 MS. GANSLE: The ayes have it, Madam

12 Supervisor.

13 SUPERVISOR MAHAN: The Resolution is adopted.

14 MS. GANSLE: We have a Resolution Designating
15 Town Designated Engineers and Authorizing Agreements
16 with Same.

17 MR. GREEN: So moved.

18 MS. MURPHY: Second. Linda.

19 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
20 call the roll.

21 (The roll was called.)

22 MS. GANSLE: The ayes have it, Madam

23 Supervisor.

24 SUPERVISOR MAHAN: The Resolution is adopted.

25 MS. GANSLE: We have a Resolution authorizing

1 the Supervisor to execute a Contractor Service Agreement
2 with J. Ellrott Construction to increase the expenditure
3 limit for the DPW/Division of Pure Waters.

4 MS. MURPHY: So moved. Linda.

5 MS. PENN: Second. Jill.

6 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
7 call the roll.

8 (The roll was called.)

9 MS. GANSLE: The ayes have it, Madam
10 Supervisor.

11 SUPERVISOR MAHAN: The Resolution is adopted.

12 MS. GANSLE: We have a Resolution authorizing
13 the Supervisor to execute a contract supplement with
14 Barton & Loguidice in connection with the completion of
15 the Comprehensive Plan Update.

16 MR. GREEN: So moved. David.

17 MS. MURPHY: Second. Linda.

18 SUPERVISOR MAHAN: The amount for the
19 completion is \$16,490. It was originally an additional
20 \$28,000. After I negotiated that, they agreed to the
21 lower sum of \$16,490.

22 Supervisor votes aye. Clerk, call the roll.

23 MS. GANSLE: Councilwoman Penn?

24 MS. PENN: Aye.

25 MS. GANSLE: Futia?

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MS. FUTIA: No.

MS. GANSLE: VonDollen?

MS. JEFFERS-VONDOLLEN: Aye.

MS. GANSLE: Murphy?

MS. MURPHY: Aye.

MS. GANSLE: Green?

MR. GREEN: Aye.

MS. GANSLE: Field?

MR. FIELD: No.

MS. GANSLE: The ayes have it, Madam
Supervisor.

SUPERVISOR MAHAN: The Resolution is adopted.
That ends our Resolutions for this evening.
Thank you.

(Whereas the above entitled proceeding was
concluded at 8:05 p.m.)

CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter and
Notary Public in and for the State of New York, hereby
CERTIFY that the record taken by me at the time and
place noted in the heading hereof is a true and
accurate transcript of same, to the best of my ability
and belief.

Dated: _____

NANCY L. STRANG

LEGAL TRANSCRIPTION

2420 TROY SCHENECTADY RD.

NISKAYUNA, NY 12309

Communication: Town Board Meeting Stenographic Minutes (Reports)